

### REMARKS

Claims 1-19 were pending in this application. Claims 4, 10, 16-17, and 19 are cancelled. Claims 1, 2, 5, 6, 9, 13, 15, 17, and 18 are amended. No new subject matter is believed to have been added by these amendments. Therefore, claims 1-3, 5-9, 11-15, and 17-18 remain in this application.

Independent claim 1 has been amended to incorporate the limitations set forth in cancelled claims 4 and 10. Dependent claims 5 and 9 have been amended to correct claim dependencies based upon cancelled claims 4 and 10. Independent claim 13 has been amended to require the magnetron sputtering electrode to include non-magnetic material spacer blocks and wherein a portion of the contoured top portions of the magnet segments are positioned beneath an upper surface of the spacer blocks. Support for the limitation is found in FIG. 6 of the application. Independent claim 15 has been amended to require movement of the magnet arrangement along two or more degrees of freedom of movement, wherein the movement is selected from concentric motion, eccentric motion, and linear motion. Additionally, the contoured top portion of the magnet is required to include an apex that is up to half the thickness of the magnet segment. Dependent claim 17 has been amended to correct a claim dependency based upon cancelled claim 16. Claims 1, 2, 6, 13, 15, and 18 have been amended to delete the reference to "loop" in the term "closed loop magnet arrangement", as "loop" is implied. This deletion does not change the scope of the claims.

### 35 U.S.C. § 102 Rejections

Claims 1-4, 7, 11, 12, 15, 16, and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 61-235560 to Masaki et al. Independent claims 1 and 13 have been amended to require a support plate coupled to the drive unit, wherein the support plate includes one or more non-magnetic spacer blocks situated on the support plate. The plurality of magnets are required to be arranged on the support plate such a portion of the contoured top portion (which can include the complete contoured top portion) of each of the plurality of magnets is positioned beneath an upper surface of the spacer blocks. Neither the Masaki patent nor any other prior art of record discloses, teaches, or suggests this limitation.

In light of the aforementioned amendments, the Applicant deems the pending rejections directed to independent claims 1 and 13 as moot. Claims 2-3, 5-9, 11-12, and 14 depend from and add further limitations to amended independent claims 1 or 13 and are believed to be patentable for the

reasons discussed hereinabove in connection with amended independent claims 1 and 13. Reconsideration of the rejections of these depending claims is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 1-8, 11-13, and 15-18 stand rejected under 35 U.S.C. §103(a) for obviousness based upon United States Patent No. 4,872,964 to Suzuki et al. in view of the Masaki patent.

The Suzuki patent discloses an offset magnet arrangement with respect to a circular support plate, which thereby creates an eccentric motion of the magnets. With respect to claim 8 (whose limitations have now been incorporated into method claim 15), the Examiner states that two degrees of movement (rotational and perpendicular movement) are disclosed in the Suzuki patent in column 7, lines 1-8. The Applicant respectfully disagrees that such is in fact disclosed in the Suzuki patent. The “perpendicular” terminology found in the cited section refers to the position of the axis in relation to the target. Specifically, the axis on which the base rotates is located perpendicular to the target. Thus, the terminology “perpendicular” is not discussed in the context of perpendicular movement. Accordingly, the Suzuki patent does not disclose perpendicular movement or any other secondary movement.

Independent claim 15 has been amended to require two or more degrees of freedom of movement (selected from concentric, eccentric, and linear) to be imparted on the closed loop magnet arrangement. Neither the Suzuki patent, nor any prior art of record discloses, teaches or suggests movement of the closed loop magnet arrangement in more than one degree of movement. For the foregoing reasons, the Applicant believes that the subject matter of amended independent claim 15 is not rendered obvious as set forth in the arguments made by the Examiner with respect to apparatus claims 7 and 8. Claims 17-18 depend from and add further limitations to amended independent claim 15 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 15. Reconsideration of the rejections of claims 15 and 17-18 is respectfully requested.

The Applicant deems the pending rejections directed to independent claims 1 and 13 as moot in light of the amendments and arguments set forth with respect to the §102(b) rejections.

Application No.: 10/624,921  
Paper Dated: October 11, 2005  
In Reply to USPTO Correspondence of May 9, 2005  
Attorney Docket No. 2398-031312



CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-3, 5-9, 11-15, and 17-18 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By

Paul M. Reznick  
Registration No. 33,059  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219-1845  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
E-mail: webblaw@webblaw.com